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Co-Lead Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

IN RE: WAL-MART WAGE AND HOUR	) MDL 1735
EMPLOYMENT PRACTICES LITIGATION	)
	) Case No.2:06-CV-00225-PMP-PAL
	) (BASE FILE)
THIS DOCUMENT RELATES TO:	)
	)
Bayardo v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00349-PMP-PAL	)
Brogan (Pam) v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00214-PMP-PAL	)
Brogan (Tammy), v. Wal-Mart Stores, Inc., et al.	)
2:09-cv-00338-PMP-PAL	)
Campbell v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-01172-PMP-PAL	)

Cole v. Wal-Mart Stores, Inc., et al	)
2:06-cv-00003 -PMP-PAL	)
Curless v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00277 -PMP-PAL	)
Cruzado v. Wal-Mart Stores, Inc., et al.	)
2:09-cv-00225-PMP-PAL	)
Deas v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-00052-PMP-PAL	)
Griffin v. Wal-Mart Stores, Inc., et al.	)
2:09-cv-00341-PMP-PAL	)
Hall v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-01099-PMP-PAL	)
Henderson v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-01569-PMP-PAL	)
Hicks v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00960-PMP-PAL	)
D. Jackson v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00269-PMP-PAL	)
R. Jackson v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00424-PMP-PAL	)
Kraemer v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-00098-PMP-PAL	)
Luce v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-01019-PMP-PAL	)
McFarlin v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00094-PMP-PAL	)
Mathies v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00950-PMP-PAL	)
Nolan v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-0777-PMP-PAL	)
Olinger v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-14055-PMP-PAL	)
Parrish v. Wal-Mart Stores, Inc., et al.	)
2:09-cv-00342-PMP-PAL	)
Penn v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-06045-PMP-PAL	)
Poha-Shibata v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00697-PMP-PAL	)
Pritchett v. Wal-Mart Stores, Inc., et al.	)
2:09-cv-00343-PMP-PAL	)
Smith v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00188-PMP-PAL	)

Stafford v. Wal-Mart Stores, Inc., et al.	)
2:05-cv-00535-PMP-PAL	)
Whitacre v. Wal-Mart Stores, Inc., et al.	)
2:07-cv-00445-PMP-PAL	)
N. Williams v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-00061-PMP-PAL	)
T. Williams v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-00142-PMP-PAL	)
Woods v. Wal-Mart Stores, Inc., et al.	)
2:06-cv-00006-PMP-PAL	)

**PLAINTIFFS' UNOPPOSED MOTION TO FILE CONSOLIDATED AMENDED  
CLASS ACTION COMPLAINT**

NOW COME Plaintiffs in the above-entitled action and move this Honorable Court for an Order granting Plaintiffs' request to file their Consolidated Amended Class Action Complaint ("Amended Complaint") for the sole purposes of narrowing the legal and factual issues for the settled cases, and to facilitate the Settlement.

In support of this motion, Plaintiffs state:

1. The Amended Complaint restates the allegations brought in the underlying complaints against Wal-Mart Stores, Inc. (including all Wal-Mart Stores, Supercenters, Distribution Centers and Neighborhood Markets) and Sam's West, Inc. and Sam's East, Inc. (collectively, "Sam's Club") (all together, "Wal-Mart" or "Defendants") on behalf of all hourly associates in the States or Territories of Alabama, Alaska, Arkansas, Connecticut, Delaware, Georgia, Hawaii, Idaho, Louisiana, Maine, Maryland, Michigan, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oregon, Puerto Rico, Rhode Island, South Dakota, Texas, Utah, Virginia, West

Virginia, Wisconsin, and Wyoming (collectively, the collectively, the “MDL Settling State Plaintiffs”) during the time periods set forth in paragraph 49 of the Amended Complaint and for the conduct as alleged in the Amended Complaint.

2. The Amended Complaint also restates the allegations against Defendants on behalf of hourly associates the State of California from March 19, 2003 through February 27, 2009 with respect to claims for “time-shaving” and manipulation of time records only, as alleged in the Amended Complaint.

3. Defendants do not oppose the filing of the proposed Amended Complaint for the purposes of facilitating the Settlement. The parties have further agreed that given the settlement, and the upcoming filing of Plaintiffs’ motion for preliminary approval, Defendants need not serve an answer or other response to the Amended Complaint and all Defendants’ defenses to the Amended Complaint are shall be preserved.

4. This motion is made in the interest of justice and not for purposes of delay.

WHEREFORE, Plaintiffs respectfully request this Honorable Court to enter an Order granting Plaintiffs' request to file an amended complaint for purposes of facilitating the settlement and further ordering that in light of the settlement, Defendants need not serve an answer to the Amended Complaint at this time.

Dated: May 26, 2009

Respectfully submitted,

Plaintiffs' Co-Lead Counsel:

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By: /s/

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**CERTIFICATE OF SERVICE**

I, Robert Bonsignore, declare under penalty of perjury that the following is true and correct:

1. I am a citizen of the United States; am over age 18 years; my business address is 23 Forest Street, Medford, Massachusetts 02155.
2. I am a member of the Bar of Massachusetts and am not a party to this action.
3. On the date executed below, I caused to be served a true and correct copy of the following document by electronic filing:

**PLAINTIFFS' UNOPPOSED MOTION TO FILE CONSOLIDATED AMENDED  
CLASS ACTION COMPLAINT**

I caused to be served on this date a true copy of the document listed above on all parties registered for electronic filing in this action.

Executed on this 26<sup>th</sup> day of May, 2009

/s/  
Robert Bonsignore